

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIEGO ENRICO MALTA,

Plaintiff,

17-cv-3228 (JFK)(OTW)

-against-

**NOTICE OF MOTION**

FOX HORAN & CAMERINI, LLP, KATHLEEN M.  
KUNDAR, ESQ. WILLIAM IRA KAPLAN, ESQ., and  
ROMAN ANDREW SHORE, ESQ.

Defendants.

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FOX HORAN & CAMERINI, LLP, KATHLEEN M.  
KUNDAR, ESQ. WILLIAM IRA KAPLAN, ESQ., and  
ROMAN ANDREW SHORE, ESQ.

Third-Party Plaintiffs,

-against-

ROBERT MALTA and ADAM SHERMAN,

Third-Party Defendants.

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PLEASE TAKE NOTICE, that, upon the Declaration of Adam Sherman dated  
May 3, 2018, Exhibits A through H attached thereto, the memorandum of law submitted  
herewith, and upon all the pleadings and prior proceedings in this action, Third Party  
Defendants Robert Malta and Adam Sherman will move this Court before the Honorable  
Judge John F. Keenan by and through their undersigned attorney, at the Federal  
Courthouse located at 500 Pearl Street, New York, New York for an Order: (a)  
Dismissing the Third Party Complaint with prejudice pursuant to Fed. R. Civ. P. 12 and  
(b) for an award of sanctions pursuant to Fed R. Civ. P. 11, as well as granting such other  
relief the Court deems just and proper.

PLEASE TAKE FUTHER NOTICE, that opposing papers, if any, must be served on the undersigned no later than as determined by the Scheduling Order of Judge Keenan, with reply papers also due as determined by the Scheduling Order of Judge Keenan.

Dated: May 3, 2018  
New York, New York

/s/Adam Sherman  
Adam Sherman, Esq.  
*Attorney for Third Party Defendants*  
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New York, New York 10023  
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